

Appl. No. 10/501169  
Final Amendment and/or Response  
Reply to final Office action of 18 January 2006

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REMARKS / DISCUSSION OF ISSUES

Claims 1-20 are pending in the application.

The Office action rejects claims 1-9 and 11-20 under 35 U.S.C. 102(e) over Ma et al. (USP 6,677,709, hereinafter Ma). The applicants respectfully traverse this rejection.

The Examiner's attention is requested to MPEP 2131, wherein it is stated:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, upon which claims 2-10 depend, claims a display device that includes an electromechanically operable foil having at least one electrically conducting side that is substantially unpatterned.

Ma fails to teach an electromechanically operable foil having at least one electrically conducting side that is substantially unpatterned.

Ma teaches a foil 180 that is patterned to form cantilevered elements 210 at each pixel. This same pattern exists on each of the conductive layers 170, 190 on either side of the foil 180. As taught by Ma, "laser ablation, plasma etching, or other ablation technique can be used to make a cut in the actuating member 180 **and the conductive layers 170, 190** to define a cantilever of other type of spring like flexible member 210" (Ma, column 5, lines 5-8). The applicants respectfully maintain that a conductive layer with cuts for cantilevers at each pixel cannot be said to be unpatterned.

Because Ma fails to teach an electromechanically operable foil having at least one electrically conducting side that is substantially unpatterned, the applicants respectfully maintain that the rejection of claims 1-9 under 35 U.S.C. 102(e) over Ma is unfounded, per MPEP 2131.

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Claim 11, upon which claims 12-20 depend, claims a display device that includes a plurality of light emitting elements that are operably coupled to a plurality of first electrodes, and a foil that includes an electrically conductive layer that is configured to provide selective contact to select elements of the plurality of light emitting elements, based on a potential difference between the foil and select electrodes of a plurality of second electrodes.

Ma fails to teach a plurality of light emitting elements that are operably coupled to a plurality of first electrodes, and a foil that includes an electrically conductive layer that is configured to provide selective contact to select elements of the plurality of light emitting elements, based on a potential difference between the conductive layer of the foil and select electrodes of a plurality of second electrodes.

The Office action associates Ma's electrodes 120 to the applicants' claimed first electrodes, Ma's electrodes 170 to the applicants' claimed second electrodes, and Ma's foil 180 to the applicants' claimed foil. The Office action then asserts that Ma teaches that the selective contact is determined based on the potential difference between the foil 180 and select electrodes of the plurality of electrodes 170. The applicants respectfully disagree with this assertion.

Ma teaches that the select contact is determined based on the potential difference between the electrodes 120 and the electrodes 170 (Ma, column 5, lines 28-31), and not between electrodes 170 and foil 180 as asserted in the Office action. Ma's electrodes 170 are fixedly attached to the foil 180, and a potential difference between the electrodes 170 and the foil 180, as asserted in the Office action, would not cause a movement of the cantilever 210, and would not effect a selective contact.

Because Ma fails to teach a plurality of light emitting elements that are operably coupled to a plurality of first electrodes, and a foil that includes an electrically conductive layer that is configured to provide selective contact to select elements of the plurality of light emitting elements, based on a potential difference between the conductive layer of the foil and select electrodes of a plurality of second electrodes, as specifically claimed in claim 11, the applicants respectfully maintain that the rejection of claims 11-20 under 35 U.S.C. 102(e) over Ma is unfounded, per MPEP 2131.

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The Office action rejects claim 10 under 35 U.S.C. 103(a) over Ma and Yap (USP 6,037,719). The applicants respectfully traverse this rejection.

MPEP 2142 states:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) *must teach or suggest all the claim limitations*... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

Claim 10 is dependent upon claim 1. In this rejection, the Office action relies upon Ma for teaching the elements of claim 1. As noted above, Ma fails to teach an unpatterned conductive layer that provides selective contact to light emitting elements, as specifically claimed in claim 1, and thus the applicants respectfully maintain that a rejection of claim 10 under 35 U.S.C. 103(a) that relies on Ma for teaching the elements of claim 1 is unfounded, per MPEP 2142.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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